

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

M'MAH SYLLA,

Plaintiff,

C.A. No. 14-cv-3681-JFA

v.

MAMOUDOU CONDE, individually and as a
corporate agent,
AICHA CONDE, individually and as a
corporate agent,
SIREBEH CONDE, individually and as a
corporate agent,
NIMBAYA! THE WOMEN'S DRUM & DANCE
COMPANY OF GUINEA, a South Carolina company,
WORLD MUSIC PRODUCTIONS, INC.,
a South Carolina corporation,
and COLUMBIA TIRE, INC. a/k/a
COLUMBIA TIRE, LLC a/k/a
ROLLING TIRES AUTO SERVICE CENTER, a
South Carolina corporation,

**PLAINTIFF'S AFFIRMATIVE
DEFENSES TO
AMENDED COUNTERCLAIMS**

Defendants.

Pursuant to Fed. R. Civ. P. 8(c) and 12(a), Plaintiff submits her affirmative defenses. In doing so, Plaintiff reserves the right to amend or assert additional defenses upon resolution of her pending Motion to Dismiss. Plaintiff states the following defenses:

1. Defendants failed to plead a plausible claim for defamation, breach of contract and intentional infliction of emotional distress.
2. The truth of the alleged communications is an absolute defense.
3. Privileged communications are not actionable defamation.
4. Defendants' defamation claims fail inasmuch as they fall outside the statute of limitations.

5. Defendants seek to enforce an unconscionable and illegal agreement inasmuch as the agreement would require Plaintiff to perform or remain in conditions that violate the law or offend public policy.

6. Defendants fraudulently induced Plaintiff's entry into an agreement by making false promises regarding the compensation and benefits she would receive.

7. Defendants failed to pay Plaintiff compensation as promised.

8. Defendants' harm was caused by intervening acts/actors.

9. Defendants do not satisfy the statute of frauds.

10. Defendants lack clean hands.

11. Defendants seek relief that if granted would unjustly enrich Defendants.

12. Defendants engaged in unlawful acts and they cannot recover damages for the consequences of those acts.

13. Defendants caused their own harm and injury.

Respectfully submitted,

Dated: February 13, 2015

/s/ Nakisha N. Chaney
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